# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/602,498 | 06/23/2003 | Vladimir D. Fedorov | 13768.370 | 2191 |

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| ART UNIT | PAPER NUMBER |
|---|---|
| 2168 | |

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| --- | --- | --- |
| **Office Action Summary** | 10/602,498 | FEDOROV, VLADIMIR D. |
| | Examiner | Art Unit | |
| | Jay A. Morrison | 2168 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _6/23/2003_.

2a) ☐ This action is **FINAL**.          2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-50_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-50_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _23 June 2003_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some *  c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _6/23/03, 11/28/03_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)          Office Action Summary          Part of Paper No./Mail Date 11302005

## DETAILED ACTION

1.     Claims 1-50 are pending.

### *Drawings*

2.     The drawings are objected to because figure 5, item '152' (WIDE AREA

NETWORK), should be labeled '552', by which it is referred to in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next

Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

3.      The disclosure is objected to because of the following informalities:

a.      Page 7, paragraph 20, line 6, "these changes are recorded and stored in

Configuration Store 145 using path 125" cannot be correct because "path 125"

does not intersect with "Configuration Store 145".

b.      Page 13, paragraph 32, line 6, "does support" should be "doesn't support".

c.      Page 14, paragraph 35, line 2, "Error Code 215 Application" should be

"Error Code 215, Application".

d.      Page 15, paragraph 36, line 3, "(310)" should be "310" and in the same

paragraph, line 4, "(312)" should be "312". Error is repeated throughout

application; correct the use of parenthesis around figure references to make

consistent in application.

Appropriate correction is required.

## *Claim Rejections - 35 USC § 101*

4.      35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claims 24-41 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claims 24-41 disclose computer readable media, which are described in the

specification as including wireless signals that carry computer-executable instructions.

Although one may consider these claims as either a media in an environment of a

computer system or a combination of a media and computer system, it is the former

interpretation that examiner believes is the intent of the applicant. However, wireless

signals are not tangible, and cannot tangibly embody a computer program or process

since a computer cannot understand/realize (i.e. execute) the computer program or

process when embodied on the data signal. Computer program or processes are only

realized within the computer when stored in a memory or storage element (such as

RAM or ROM). Therefore, a data signal does not meet the "useful, concrete, and

tangible" requirement as set forth in *State Street*, 149 F.3d at 1373, 47 USPQ2d at

1601-02, and hence claims 24-41 are non statutory under 35 U.S.C. 101.


### *Claim Rejections - 35 USC § 102*

5.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.


6.     Claims 1-4,10-18,24-25,31-36,42,48-50 are rejected under 35 U.S.C. 102(e) as

being anticipated by De Meno et al. ('De Meno' hereinafter), US Patent 6,721,767.


With respect to claim 1, De Meno teaches

"receiving application configuration information to be used in reverting to the

previous configuration setting" (column 3, lines 51-67, whereas De Meno's application

specific information for storage is equivalent to the claimed application information

which is to be used to revert to the previous configuration setting);

"storing the application configuration information to be used in reverting to the

previous configuration setting" (column 3, lines 51-67, whereas De Meno's application

specific storage of information is equivalent to the claimed storing of application

configuration information to be used reverting to the previous configuration setting);

"displaying a representation of the application configuration information within

one or more user interfaces for viewing and selecting the application configuration

information" (column 5, lines 30-58, whereas De Meno's application interface for seeing

detailed history backup/change dates is equivalent to the claimed display of a

representation of the application configuration information within one or more user

interfaces for viewing and selecting the information);

"retrieving the application configuration information" (column 5, line 59 through

column 6, line 9, whereas De Meno's user retrieving changes is equivalent the claimed

retrieval of application configuration information);

"calling a reversion routine and passing at least a portion of the application

information to the routine for reverting to the application's previous configuration setting"

(column 4, lines 1-18, whereas De Meno's application specific rollback software is

equivalent to the claimed reversion routine for reverting to the application's previous

configuration setting).

With respect to claim 2,

De Meno teaches "displays a link that gives user instructions on procedural steps
to perform in order to revert to the previous configuration setting" (column 6, lines 1-9,
whereas De Meno's help button is equivalent to the claimed link that gives user
instructions).

With respect to claim 3,

De Meno teaches "automatically reverts to the application's previous
configuration setting" (column 4, lines 1-26, whereas De Meno's information retrieval
processor is equivalent to the claimed automatic reversion to previous setting).

With respect to claim 4,

De Meno teaches "the reversion to the application's previous configuration
setting is one of an undo, redo or rollback operation" (column 4, lines 1-18).

With respect to claim 10,

De Meno teaches "at least one of the one or more user interfaces is a browser"
(column 6, lines 30-58, whereas De Meno's standard Windows application is equivalent
to the claimed browser).

With respect to claim 11,

De Meno teaches "the application configuration information received is based
upon a request from a user" (column 6, lines 30-58, whereas De Meno's user selecting

backup version is equivalent to the claimed configuration information received being

based on a request from a user).


With respect to claim 12,

De Meno teaches "the application configuration information received is based

upon a selection from the application" (column 6, lines 30-58, whereas De Meno's

standard Windows application with file selection menu is equivalent to the claimed

configuration information received being based on a application selection).


With respect to claim 13, De Meno teaches

"maintaining a history of one or more configuration setting changes for an

application" (column 3, lines 51-67, whereas De Meno's application specific information

for storage is equivalent to the claimed maintaining one or more configuration setting

change histories);

"identifying, from within the maintained history, application configuration

information" (column 5, lines 30-58, whereas De Meno's application interface for seeing

detailed history backup/change dates is equivalent to the claimed identifying application

configuration information from within maintained history);

"reverting to the application's previous configuration setting using at least a

portion of the identified application configuration information" (column 4, lines 1-18,

whereas De Meno's application specific rollback software recovering stored information

is equivalent to the claimed reverting to the application's previous configuration setting using configuration information).

With respect to claim 14, De Meno teaches

"receiving the application configuration information" (column 3, lines 51-67, whereas De Meno's application specific information for storage is equivalent to the claimed application information which is to be used to revert to the previous configuration setting);

"storing the application configuration information" (column 3, lines 51-67, whereas De Meno's application specific storage of information is equivalent to the claimed storing of application configuration information to be used reverting to the previous configuration setting).

With respect to claim 15, De Meno teaches

"retrieving the application configuration information" (column 5, line 59 through column 6, line 9, whereas De Meno's user retrieving changes is equivalent the claimed retrieval of application configuration information);

"calling a reversion routine and passing at least a portion of the application information to the routine for reverting to the application's previous configuration setting" (column 4, lines 1-18, whereas De Meno's application specific rollback software is equivalent to the claimed reversion routine for reverting to the application's previous configuration setting).

With respect to claims 16-18,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claims 2-4 and are similarly rejected.

With respect to claim 24,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 1 and is similarly rejected.

With respect to claim 25,

This claim is rejected on grounds corresponding to the arguments given above

for rejected claim 4 and is similarly rejected.

With respect to claims 31-36,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claims 13-18 and are similarly rejected.

With respect to claim 42, De Meno teaches

"receiving a package of information, wherein the package is to be used in

reverting to the previous configuration setting" (column 3, lines 51-67, whereas De

Meno's application specific information for storage is equivalent to the claimed package

of information which is to be used to revert to the previous configuration setting).

"storing the package of information for subsequent retrieval and for maintaining a

history of one or more configuration setting changes for the application" (column 3, lines

51-67, whereas De Meno's application specific storage of information is equivalent to

the claimed storing of application configuration information to be used reverting to the

previous configuration setting).

"receiving a request from the application for the package of information when

reverting to the application's previous configuration setting" (column 4, lines 1-18,

whereas De Meno's user recovering information using application specific rollback

software when desired is equivalent to the claimed receiving of a request for the

information when reverting to the previous configuration setting).

"retrieving and sending the package of information to the application for

processing when reverting to the previous configuration setting" (column 3, lines 51-67,

whereas De Meno's application rollback software module storage and retrieval of

information X for rollback is equivalent to the claimed retrieving and sending the

information to the application for processing when reverting).

With respect to claims 48-50,

These claims are rejected on grounds corresponding to the arguments given

above for rejected claims 2-4 and are similarly rejected.

***Claim Rejections - 35 USC § 103***

7.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-9,19-23,26-30,37-41,43-47 are rejected under 35 U.S.C. 103(a) as

being unpatentable over De Meno et al. ('De Meno' hereinafter), US Patent 6,721,767,

as applied to claims 1,13, 24, 31, and 42 above, and further in view of Hammack et al

('Hammack' hereinafter), US Patent 6,449,624.


With respect to claim 5,

De Meno teaches "that is passed routine for reverting to the application's

previous configuration" (column 4, lines 1-18, whereas De Meno's application specific

rollback software is equivalent to the claimed reversion routine for reverting to the

application's previous configuration).

De Meno does not explicitly indicate "the application configuration information is

XML data comprising a header portion and an application portion, wherein the header

portion comprises data used in the displaying a representation of the application

configuration information, and wherein the application portion comprises data."

However, Hammack teaches "the application configuration information is XML

data comprising a header portion and an application portion, wherein the header portion

comprises data used in the displaying a representation of the application configuration

information, and wherein the application portion comprises data" (column 21, lines 33-

57, and column 22, lines 36-58, whereas Hammack's XML configuration version data is

equivalent to the claimed configuration information XML data).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine De Meno and Hammack because using the steps "the application

configuration information is XML data comprising a header portion and an application

portion, wherein the header portion comprises data used in the displaying a

representation of the application configuration information, and wherein the application

portion comprises data" would have given those skilled in the art the tools to improve

the invention by allowing information to be described using a standardized markup

language. This gives the user the advantage of being able to have the ability to quickly

and easily distinguish, segment, and/or process the data.


With respect to claim 6,

De Meno does not explicitly disclose "the header data used in the displaying a

representation of the application configuration information is selected from at least one

of a title, application name, date or time."

However, Hammack teaches "the header data used in the displaying a

representation of the application configuration information is selected from at least one

of a title, application name, date or time" (column 23, line 64 through column 24, line 23,

and figure 16, whereas Hammack's version control data including date and time is

equivalent to the claimed configuration information selected from at least one of title,

application name, date or time).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to combine De Meno and Hammack because using the steps "the header data
used in the displaying a representation of the application configuration information is
selected from at least one of a title, application name, date or time" would have given
those skilled in the art the tools to improve the invention by allowing important
information insured to be included. This gives the user the advantage of being able to
have the ability to have minimum information available so that required processing can
be accomplished.


With respect to claim 7,

De Meno does not explicitly indicate "the header portion further comprises the
reversion routine called."

However, Hammack teaches "the header portion further comprises the reversion
routine called" (column 22, lines 16-35, whereas Hammack's XML containing initial or
root module is equivalent to the claimed header portion further comprising the reversion
routine called).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to combine De Meno and Hammack because using the steps "the header
portion further comprises the reversion routine called" would have given those skilled in
the art the tools to improve the invention by allowing the appropriate reversion routine to
be called. This gives the user the advantage of being able to have the ability to have
one of a multitude of reversion routines to be called.

With respect to claim 8,

De Meno does not explicitly indicate "the header portion further comprises a pointer to the reversion routine called."

However, Hammack teaches "the header portion further comprises a pointer to the reversion routine called" (column 6, lines 51-67, whereas Hammack's linked function blocks are equivalent to the claimed pointer to the reversion routine).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the header portion further comprises a pointer to the reversion routine called" would have given those skilled in the art the tools to improve the invention by allowing the appropriate reversion routine to be called. This gives the user the advantage of being able to have the ability to have one of a multitude of reversion routines to be called.

With respect to claim 9,

De Meno does not explicitly indicate "routine calls one or more other routines."

However, Hammack teaches "routine calls one or more other routines" (column 22, lines 16-67, whereas Hammack's module element optionally containing element nodes that contain additional elements to extract configuration information is equivalent to the routine calling one or more other routines).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine De Meno and Hammack because using the steps "the header

portion further comprises the reversion routine called" would have given those skilled in the art the tools to improve the invention by allowing the configuration routine to call any number of reversion routines instead of just one. This gives the user the advantage of being able to have the ability to not be limited to executing a single task in order to rebuild configuration information.

With respect to claims 19-23,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-9 and are similarly rejected.

With respect to claims 26-30,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-9 and are similarly rejected.

With respect to claims 37-41,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-9 and are similarly rejected.

With respect to claims 43-47,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-9 and are similarly rejected.

## Conclusion

8.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on Monday to Thursday from 7:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146 or TC 2100 customer service can be contacted at (703) 306-5631. The fax pone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Jay Morrison

Debbie Le
Primary Examiner.